

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFF WILT	:	
	:	No.
VS.	:	
	:	<u>JURY TRIAL DEMANDED</u>
HARLEY-DAVIDSON MOTOR COMPANY, INC.	:	

CIVIL ACTION COMPLAINT

COMES NOW, Plaintiff, by counsel, and complains of defendant as follows:

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to the 42 U.S.C. Section 2000(e) et seq. of the Civil Rights Act of 1964 as amended. This Complaint has been filed within 90 days after issuance of a Notice of Right to Sue by the EEOC.

PARTIES

2. Plaintiff, Jeff Wilt, is a male and at all times relevant hereto, he resided at 1760 Shrivvers Corner Road, #119, Gettysburg, PA 17325.

3. Defendant, Harley-Davidson Motor Company, Inc., is a Corporation with offices located at 1425 Eden Road, York, PA 17402. Defendant employs hundreds of people.

4. On or about December 1, 2012, plaintiff commenced employment with defendant as a Buffer.

5. At all times material hereto, Jerry Gilbert (male Buffer) was one of plaintiff's co-workers.

6. In March and late April 2013, Mr. Gilbert made repeated and daily sexually offensive remarks to plaintiff about one of plaintiff's co-workers, Kim Woerner (female Buffer).

7. For example, during this time period, Mr. Gilbert said: "I know you're fucking her;" "Does she suck your dick good;" and "Did you suffer a masturbation injury because you did not fuck Kim last night." Mr. Hilbert repeated these remarks in different variations over a period of several weeks during the aforementioned time period.

8. In about early April 2013, plaintiff made a good faith complaint of sexual harassment by Mr. Gilbert directed towards Ms. Woerner and myself to Mary (female Human Resources person).

9. The following day after plaintiff's complaint to HR, Mr. Gilbert said to Ms. Woerner: "You only came down here so I could check you fine ass out." Shortly thereafter, Ms. Woerner also complained to HR about Mr. Gilbert and avided HR that he made sexual advances and offensive comments towards her and harassed her and tried to look down her shirt.

10. About a week later, Mary came to see plaintiff and told him to "deal with it" and to "go back to work." She indicated that "reliable sources" told her that plaintiff planted drugs on

his co-workers to arrest them.

11. Plaintiff was shocked by Mary seemingly bizarre accusation about planting drugs and he challenged Mary to name a single co-worker to whom this happened.

12. On or about April 25, 2013, plaintiff was terminated for alleged safety concerns (because he is a diabetic and his blood sugar was running high) and his alleged inability to follow instructions.

13. The defendant's proffered reasons for termination was false and pretext to mask the true reason for plaintiff's termination. The true reason for plaintiff's termination was retaliation for complaining of sexual harassment.

14. Defendant's actions violated Title VII because plaintiff was terminated in retaliation for reporting sexual harassment.

15. Plaintiff sustained damages as a result of the unlawful conduct of defendant.

COUNT 1- Title VII

16. Plaintiff repeats paragraphs 1-15 as if more fully set forth herein.

17. By and through its conduct, Defendant violated Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. Section 2000e, et seq., by intentionally discriminating against plaintiff by terminating his employment in retaliation for complaining

about sexual harassment.

WHEREFORE, plaintiff demands that judgment be entered in her favor on Count 1 against defendant for lost pay, lost bonuses, lost benefits, other financial losses, compensatory damages for emotional pain and suffering, punitive damages, attorneys fees, costs, interest, reinstatement of employment and any other relief that this Honorable Court deems to be fair and proper.

/s/ Samuel A. Dion

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